



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** The appeal of Richard O. Wright of a Planning Commission approval of a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21) located at 1441 S. Mills Avenue.

**MEETING DATE:** August 20, 2003

**PREPARED BY:** J.D. Hightower, City Planner

**RECOMMENDED ACTION:** Staff recommends that the City Council affirm the Planning Commission's approval of the request by Mitch Scheffo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development PD (21).

**BACKGROUND INFORMATION:** The Lakeshore Village Planned Development was established in June of 1980 by the Grupe Development Company. The PD encompasses approximately 97-acres including single-family homes fronting Lakeshore Drive, apartments fronting Mills Avenue north of Lakeshore Drive, and office development fronting Kettleman Lane. The general boundary is Kettleman Lane on the north, the Woodbridge Irrigation District Canal on the east, the rear yard lines of the homes fronting Lakeshore Drive and Camphor Way on the south, and the boundary line between the Sand Creek Apartments on Mills Avenue and the Fountains Apartments on Sylvan Way. Of all the land within this PD the only land remaining undeveloped are the parcels of this request, and three parcels on the southwest corner of Kettleman Lane and Lakeshore Drive. In fact, two of these parcels, 1423 Lakeshore Drive and 1806 West Kettleman Lane, were recently amended by the Planning Commission to allow for medium density residential development.

### KEY POLICY QUESTIONS

The Planning Commission considered the following key policy questions when approving the requested use permit to amend the Lakeshore Village Planned Development:

- 1) Is the proposed amendment consistent with the General Plan?
- 2) Would the amendment result in the orderly development of Lodi?
- 3) Does the project fit the character of the existing neighborhood?
- 4) Are there adequate facilities to serve the proposed development?

**APPROVED:** \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

## ANALYSIS

### **Is the proposed amendment consistent with the General Plan?**

Yes, the Planning Commission found that although the General Plan designation for the site is Office. This designation allows for residential development. The General Plan description of the Office designation states that residential densities shall be in the range of 7.1 – 20 units per gross acre. The project proposes a density of 17 units per acre; thus, the project is consistent with the Land Use Element of the General Plan.

Furthermore, the requested increase in density at this location directly implements Policy C.1 of the Land Use and Growth Management Element. This policy states that ***"The City shall encourage higher density housing to be located in areas served by the full range of urban services, preferably along collector, arterial and major arterial streets, and within walking distance of shopping areas"***. The proposed increased housing density, being off of Mills Avenue, one-half block from Kettleman Lane and in close proximity to a full range of shopping, offices and other urban services, fits all of the criteria of this policy. Thus, the Planning Commission action implements this important policy of the City.

The project, by providing additional housing opportunities greater than that of single-family development, is consistent with the Housing Element of the General Plan. Specifically, Goal "A" of the Housing Element is ***"To provide a range of housing types and densities for all economic segments of the community while emphasizing high quality development and homeownership"***. The development of the site at 17 dwelling units per acre will provide for an alternative housing type that will be reviewed by the Site Plan and Architectural Review Committee. It is the applicant's intent to provide a higher density product type that will allow for affordable homeownership. The Planning Commission's approval of the requested increase in density directly implements this goal.

The vehicular trips generated that could potentially be generated by higher density development will be less than office use. Additionally, residential uses and office use have differing peak hours of trip generation. This is an important aspect as related to the letter submitted by PAM, property management. The similar traffic patterns of additional offices located in the area will lead towards more traffic in the area during peak hours and a higher probability of vehicular conflicts. Thus the Planning Commission's decision is consistent with Circulation Element Policy A.7 ***"The City shall require that public and private street design and new development access meet applicable City street standards and minimize accident hazards"***. Additionally, because of the amount of traffic generated by higher density residential is less than office uses, the development of the site will not trigger improvements to the public circulation system.

Another policy that the Planning Commission took into account is the mandate of the Conservation Element, ***"To promote the economic viability of agriculture in and surrounding Lodi and to discourage the premature conversion of agricultural lands to nonagricultural uses, while providing for urban needs"***. The site is an infill site that is suitable for higher density housing. The best way to promote economic viability of agriculture in and around town is to maximize the efficiency of converted urban land. Compounding this is the well documented urban need to provide a wide range of affordable housing within Lodi. With a regional fair share housing allocation of over 4,000 dwelling units, with nearly 2,400 units needed for families with moderate incomes or below, it

is imperative that Lodi encourage higher density housing within existing urban lands. Again, the Planning Commission action was entirely consistent with policy of the General Plan.

Therefore, the Planning Commission's approval is entirely consistent with the principles mandated by the General Plan and should be affirmed by the City Council.

**Would the amendment result in the orderly development of Lodi?**

Yes, the Planning Commission found that besides being consistent with the General Plan, the project will provide for a greater utilization of the City's limited land resources. It is important to note that the proposal does not necessarily change the potential development of the project site it merely increases the density of the residential component. Office space supply will not be reduced by this project because the land could have developed as homes anyway, just at a lower density. Furthermore, the potential loss of office space is accounted for by the General Plan in that it anticipates that some land designated Office will develop as residences. The Planning Commission determined that the increase in density makes development of homes more feasible, but that office development still remained an option. The Planning Commission also determined that either development type is appropriate for this land and either would result in the orderly development of Lodi.

**Does the project fit the character of the existing neighborhood?**

Yes, the Planning Commission found that the proposed increase in density will fit the existing development pattern of the Lakeshore Village area by providing a transition from the commercial activity found along Kettleman Lane and the Sand Creek Apartments to the south and fronting Mills Avenue. Staff anticipates that the development will consist of attached or detached two-story townhouses, condominiums, or cottages. It is our understanding that the individual units will be for sale.

The requested increase of density from 10.89 to 17.0 dwelling units per acre would allow for an additional 18 dwelling units within the 2.83 acres. The proposed increase in density would create an additional 13 peak hour trips and an additional 108 daily trips. For comparison, residential development at the proposed 17 dwelling units per acre will generate 34 peak hour trips and 288 daily trips, while office development would generate 51 peak hour trips and 362 daily trips. Development of residences at 10.89 or 17 dwelling units per acre would both not only reduce the amount of traffic otherwise permitted with office development, but also reduce the accompanying noise, light and glare.

This reduction in the amount of traffic generated by residential land use compared to office use is a key point in determining if the project fits the character of the existing neighborhood. The appellant has indicated a concern that the traffic generated by the request would be inconsistent with neighboring office use, however, common traffic engineering standards indicate differently. Thus, the Planning Commission's approval of the project is consistent with the character of the neighborhood.

**Are there adequate facilities to serve the proposed development?**

Yes, the Planning Commission determined that there is a private water and wastewater system on-site with water and sewer service lines located in the east/west private drive providing access to the properties. This private driveway doubles as a City Public Utility Easement. Storm water is also

available at the site but may need to be relocated depending on the layout of the development plan. The Electric Utility Department has indicated that the project can be served without major modifications to the distribution system.

Mills Avenue and its intersection with Kettleman Lane are not expected to experience a decrease in the Level of Service provided because of this amendment. The existing driveway facilities serving the project area and the offices to the north have been installed and operational for many years. Thus the Planning Commission's decision is in accordance with the infrastructure master plans covering the area.

The proposed increase in density will make the residential development of these properties more feasible and put the properties that have remained vacant for over 20-years to good use. The applicant and staff have, and will continue, to work closely together to ensure that the development plan for the site is designed properly to provide for a compact and orderly development. The anticipated project includes more than 5 dwellings so it is subject to Growth Management Development Plan review. The Planning Commission is expecting to review a development plan for this site in the fall of this year.

FUNDING: None required

A handwritten signature in black ink, appearing to read 'Konradt Bartlam', with a long horizontal line extending to the right.

Konradt Bartlam  
Community Development Director

Prepared by: J.D. Hightower, City Planner

JDH/lw

Attachments:

- 1) Appeal letter
- 2) Letter of support of appeal from PAM
- 3) Planning Commission Memorandum
- 4) Planning Commission Staff Report
- 5) Planning Commission Draft Minutes
- 6) Final Planning Commission Resolution

# Wright Insurance Agency

2100 West Kettleman Lane  
Lodi, California 95242  
Telephone (209) 334-0870  
FAX (209) 334-1939  
P.O. Box 40, Lodi, 95241

RECEIVED

2003 MAY 30 PM 3: 33

CITY CLERK  
CITY OF LODI

May 30, 2003

Community Development Director City of Lodi  
221 W. Pine Street  
Lodi, Ca. 95240

RE: 1441 South Mills Avenue and 2024, 2106, and 2116 West Kettleman Lane, Lodi, Ca.

We would like to file a formal appeal of the decision of the Lodi Planning Commission on May 28, 2003 to approve the increase in residential density from 10.89 units per acre to 17 units per acre.

Please advise us when this matter will come before the Lodi City Council.

Sincerely,



Richard O. Wright

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
<input checked="" type="checkbox"/> CM	<input type="checkbox"/> IS
<input checked="" type="checkbox"/> CA	<input type="checkbox"/> LIB
<input checked="" type="checkbox"/> CD	<input type="checkbox"/> PR
<input type="checkbox"/> EUD	<input type="checkbox"/> PD
<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM

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JUL 22 2003  
CITY ATTORNEY'S OFFICE

July 21, 2003

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Ms. Susan J. Blackston  
City Clerk  
Mr. Randall A. Hays  
City Attorney  
City of Lodi  
Carnegie Forum  
305 W. Pine Street  
Lodi, California 95241

RE: Use Permit Lakeshore Village Planned Development PD(21)  
Located at: 1441 S. Mills Avenue

Dear Ms. Blackston and Mr. Hays:

I am sending this written correspondence in order to oppose the Use Permit increasing the residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development.

Our office is located immediately adjacent to those parcels at 2020 W. Kettleman Lane. The traffic between our office and those parcels is significant at this point in time, given the commercial uses in the adjacent immediate area. We have recently (in the last 30 days), installed speed bumps to control the speed of traffic through this area and have also witnessed two significant accidents within a seven day period. High density residential is not appropriate for this area.

Increasing the density in these parcels will not be conducive to a flow of traffic for the limited amount of space in this area. If the City/Community Development Department were to consider such a request for increase density I would suggest a full traffic study be done, which I am confident would show that the traffic circulation is not adequate for such huge density.

Thank you in advance for your consideration.

Sincerely,

David J. Michael  
President

DJM/ccc

PROFESSIONAL  
APARTMENT  
MANAGEMENT

2020 West  
Kettleman Lane  
P.O. Box 1570  
Lodi, CA 95241  
209-334-6565  
Fax 209-334-3712

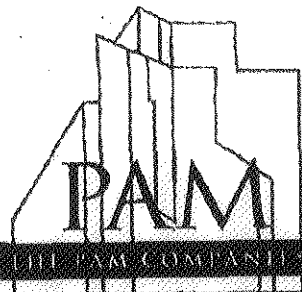
Website:  
[www.PAMCompanies.com](http://www.PAMCompanies.com)

08/12/03 16:07 FAX 209 474 3654  
AUG-12-03 TUE 03:22 PM THE PAM CO.

H.E.S.M.

FAX NO. 209 334 3712

002/002  
P. 02/02



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August 12, 2003

Ms. Susan J. Blackston  
City Clerk  
Mr. Randall A. Hays  
City Attorney  
City of Lodi  
Carnegie Forum  
305 W. Pine Street  
Lodi, California 95241

RE: Use Permit Lakeshore Village Planned Development PD(21)  
Located at: 1441 S. Mills Avenue

Dear Ms. Blackston and Mr. Hays:

Please accept this revised letter of opposition regarding the above Use Permit. I am not in opposition to the Mitch Scheflow Land Use Request to increase the density to 13 Units on his site.

I am opposed to the remaining portion of the site held by The Snyder Group increasing the density for residential. The reason for my opposition is that with the increased density on the remainder of the site, the traffic flow through the commercial businesses fronting Kettleman and Mills will be impacted significantly.

Thank you in advance for your consideration.

Sincerely,

David J. Michael  
President

DJM/cc

Cc: Michael Hakeem via fax: (209) 474-3654

PROFESSIONAL  
APARTMENT  
MANAGEMENT

2020 West  
Kettleman Lane  
P.O. Box 1570  
Lodi, CA 95241  
209-334-6565  
Fax 209-334-3712

Website:  
[www.PAMCompanies.com](http://www.PAMCompanies.com)



## MEMORANDUM, City of Lodi, Community Development Department

**To:** Planning Commission  
**From:** Community Development Department  
**Date:** May 28, 2003  
**Subject:** The request of Mitch Scheflo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development PD (21).

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### SUMMARY

The project site is made up of four separate and adjacent properties to the south of the existing office buildings fronting the 2000 and 2100 block of West Kettleman Lane. The original use permit established the land use for these properties under the zoning standards of RCP, Residential Commercial Professional. The RCP standard allows the development of offices, and residences at a density of 10.89 dwelling units per acre or 1 unit for every 4000 square-feet attached or detached. The request of the property owners is to amend the existing PD to increase the density to 17 dwelling units per acre. The subject parcels total 2.83 acres and could develop as 30 dwellings under the current zoning or 48 under the proposed. As envisioned, this use permit amends the planned development allowing the subsequent filing of a Growth Management development plan for review and approval by the Planning Commission at a future date.

### BACKGROUND

The Lakeshore Village Planned Development was established in June of 1980 Lakeshore Village by the Grupe Development Company. The PD encompasses approximately 97-acres including single-family homes fronting Lakeshore Drive, apartments fronting Mills Avenue north of Lakeshore Drive, and office development fronting Kettleman Lane. The general boundary is Kettleman Lane on the north, the Woodbridge Irrigation District Canal on the east, the rear yard lines of the homes fronting Lakeshore Drive and Camphor Way on the south, and the boundary line between the Sand Creek Apartments on Mills Avenue and the Fountains Apartments on Sylvan Way. Of all the land within this PD the only land remaining undeveloped are the parcels of this request, and three parcels on the southwest corner of Kettleman Lane and Lakeshore Drive. In fact, two of these parcels, 1423 Lakeshore Drive and 1806 West Kettleman Lane, were recently amended by the Planning Commission to allow for medium density residential development.

### KEY POLICY QUESTIONS

The proposed amendment to the Lakeshore Village Planned Development brings forth the following key policy questions:

- 1) Is the proposed amendment consistent with the General Plan?
- 2) Would the amendment result in the orderly development of Lodi?
- 3) Does the project fit the character of the existing neighborhood?
- 4) Are there adequate facilities to serve the proposed development?



## ANALYSIS

### **Is the proposed amendment consistent with the General Plan?**

Yes, although the General Plan designation for the site is Office this designation allows for residential development. The General Plan description of the Office designation states that residential densities shall be in the range of 7.1 – 20 units per gross acre. The project proposes a density of 17 units per acre; thus, the project is consistent with the Land Use Element of the General Plan.

The project, by providing additional housing opportunities greater than that of single-family development is consistent with the Housing Element of the General Plan. The vehicular trips generated by the project will not trigger improvements to the public circulation system; therefore, the project is consistent with the Circulation Element of the General Plan. No other impacts to other General Plan Elements are expected because of this request.

### **Would the amendment result in the orderly development of Lodi?**

Yes, besides being consistent with the General Plan, the project will provide for a greater utilization of the City's limited land resources. It is important to note that the proposal does not necessarily change the potential development of the project site it merely increases the density of the residential component. Office space supply will not be reduced by this project because the land could have developed as homes anyway, just at a lower density. Furthermore, the potential loss of office space is accounted for by the General Plan in that it anticipates that some land designated Office will develop as residences. Staff finds that the increase in density makes development of homes more feasible, but that office development remains an option. Staff finds that either development type is appropriate for this land and either would result in the orderly development of Lodi.

### **Does the project fit the character of the existing neighborhood?**

Yes, the proposed increase in density will fit the existing development pattern of the Lakeshore Village area by providing a transition from the commercial activity found along Kettleman Lane and the Sand Creek Apartments to the south and fronting Mills Avenue. The project proposes a one unit per acre higher density of residences than these apartments, which are built at 16 units per acre. Staff anticipates that the development will consist of attached or detached two-story townhouses, condominiums, or cottages. It is our understanding that the individual units will be for sale.

The proposed increase in density would create an additional 13 peak hour trips and an additional 108 daily trips. For comparison, residential development at the proposed 17 dwelling units per acre will generate 34 peak hour trips and 288 daily trips, while office development would generate 51 peak hour trips and 362 daily trips. Development of residences at 10.89 or 17 dwelling units per acre would both not only reduce the amount of traffic otherwise permitted with office development, but also reduce the accompanying noise, light and glare.

### **Are there adequate facilities to serve the proposed development?**

Yes, there is a private water and wastewater system on-site with water and sewer service lines located in the east/west private drive providing access to the properties. This private driveway doubles as a City Public Utility Easement. Storm water is also available at the site but may need to be relocated depending on the layout of the development plan. The Electric Utility Department has indicated that the project can be served without major modifications to the distribution system.

Mills Avenue and its intersection with Kettleman Lane are not expected to experience a decrease in the Level of Service provided because of this amendment. The existing driveway facilities serving the project area and the offices to the north have been installed and operational for many years.

The proposed increase in density will make the residential development of these properties more feasible and put the properties that have remained vacant for over 20-years to good use. Staff will work closely with the applicants to ensure that the development plan for the site is designed properly to provide for a compact and orderly development. The anticipated project includes more than 5 dwellings so it is subject to Growth Management Development Plan review. We expect to bring a development plan to the Planning Commission for review in the fall of this year. Because there are no key policy impacts created by the requested amendment to the Lakeshore Village Specific Plan, PD(21), staff recommends approval.

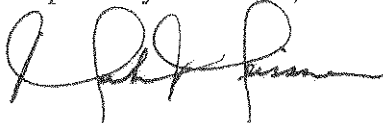
#### RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Mitch Scheflo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development PD (21), subject to the conditions in the attached resolution.

#### ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,



Mark Meissner  
Associate Planner

Reviewed and Concur,



J.D. Hightower  
City Planner

**CITY OF LODI**  
**PLANNING COMMISSION**  
**Staff Report**

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**MEETING DATE:** May 28, 2003

**APPLICATION NO:** Use Permit: U-03-007

**REQUEST:** The request of Mitch Scheflo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development PD (21).

**LOCATION:** 1441 South Mills Avenue. (APN 058-160-39)  
2024 West Kettleman Lane. (APN 058-160-45)  
2106 West Kettleman Lane. (APN 058-160-46)  
2116 West Kettleman Lane. (APN 058-160-90)

**APPLICANT:** Mitch Scheflo Randy Snider  
1711 Windjammer Managing Partner  
Lodi, CA 95242 Kettleman II Partnership  
301 South Ham Lane, Suite A  
Lodi, CA 95242

**OWNER:** Angelo J. Anagnos Kettleman II Partnership  
725 Atherton Drive 301 South Ham Lane, Suite A  
Lodi, CA 95242 Lodi, CA 95242

**Site Characteristics:**

**General Plan Designation:** O, Office  
**Zoning Designations:** PD(21), Planned Development  
**Property Size:** 2.83 acres

**Adjacent Zoning and Land Use:**

**North:** PD(21), Planned Development (Office); O, Office.

**South:** PD(21) Planned Development (Apartments); MDR, Medium Density Residential.

**East:** PD(24) Planned Development (Office); O, Office.

**West:** PD(21) Planned Development (Lake); O, Office.

**Neighborhood Characteristics:**

The parcels of the project site are vacant and sandwiched between the existing office buildings fronting the 2000 and 2100 block of West Kettleman Lane to the north and the Sand Creek Apartment Complex over a block wall to the south. To the west over an eight-foot block wall is an Alzheimer's care facility, and to the east across South Mills Avenue is a private recreation facility for the homeowners of the Lakeshore area that accesses Mallard Lake. Each of the four parcels is accessed along a common driveway between the subject parcels and the existing offices on Kettleman. This common driveway connects to Kettleman Lane to the north in two locations and to Mills Avenue at the west end.

## **ENVIRONMENTAL ASSESSMENTS:**

The project was found to be Categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-Fill Development Project," meeting the conditions described as follows:

*"(a) The project is consistent with the general plan and all applicable general plan policies as well as with applicable zoning designation and regulations."* The existing O, Office General Plan designation allows for the development of homes up to 20 dwelling units per acre, and the parameters of PD zoning allow for all uses upon approval by the Planning Commission.

*"(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."* The proposed project is within the City Limits, is 2.83 acres in size, and has existing and mature development on all sides.

*"(c) The project site has no value as habitat for endangered, rare or threatened species."* The project has been maintained in a state of preparation for development for many years and has no value as habitat for endangered, rare or threatened species.

*"(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality."* Development of the project site as residences will not result in an increase in any unavoidable impacts due to traffic or noise. The proposed amendment will have no impact on air quality or water quality that would not otherwise occur with the development of the property without the amendment.

*"(e) The site can be adequately served by all required utilities and public services."* The site is surrounded by existing development and the required utilities are available on site.

No significant impacts are anticipated and no mitigation measures are required.

## **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on May 17, 2003. A total of 15 notices were sent to all property owners of record within a 300-foot radius of the subject property.

## **RECOMMENDATION:**

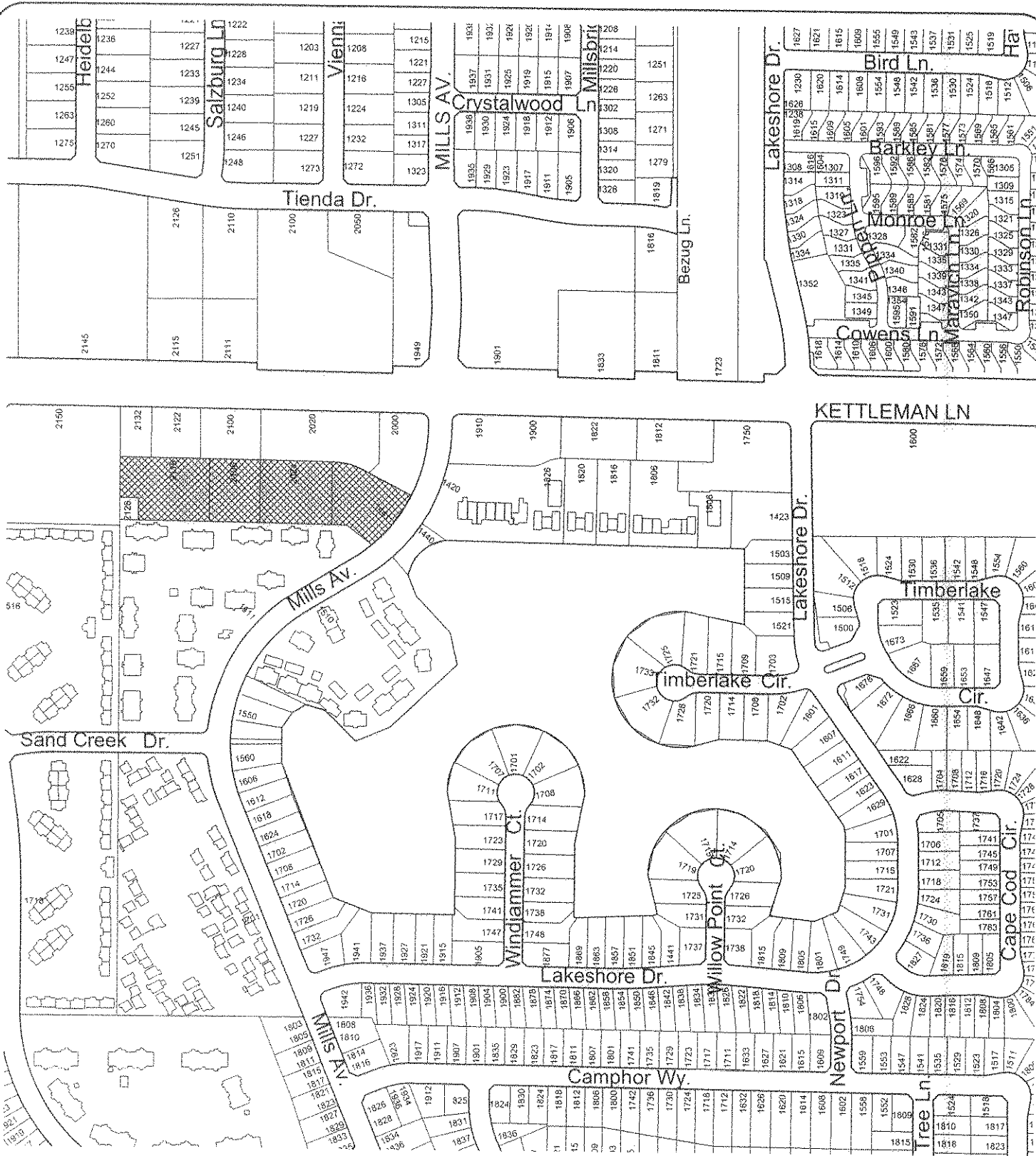
Staff recommends that the Planning Commission approve the request of Mitch Scheflo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development PD (21), subject to the conditions in the attached resolution.

## **ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

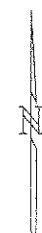
## **ATTACHMENTS:**

1. Vicinity Map
2. Draft Resolution



# VICINITY MAP

Mitch Schefflo  
 Use Permit to Amend PD  
 1441 S. Mills Av.



**RESOLUTION NO. P.C. 03-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST OF MITCH SCHEFLO AND RANDY SNIDER FOR A  
USE PERMIT TO ALLOW AN INCREASE IN RESIDENTIAL DENSITY FROM 10.89  
DWELLING UNITS PER ACRE TO 17 DWELLING UNITS PER ACRE ON FOUR  
SEPARATE PARCELS TOTALING APPROXIMATELY 2.83 ACRES WITHIN THE  
LAKESHORE VILLAGE PLANNED DEVELOPMENT PD (21)**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070.

WHEREAS, the project proponents are Mitch Scheflo, 2926 Pacific Avenue, Stockton, CA; and Randy Snider, 301 South Ham Lane, Lodi, CA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the project is within the Lakeshore Village Planned Development and comprises four properties that are zoned PD(21); and

WHEREAS, the properties are designated for the development of homes and professional offices; and

WHEREAS, the applicant is seeking a use permit to amend PD (21) to allow an increase in residential density on the four properties pursuant to Section 17.33.030; and

WHEREAS, the General Plan designation for the site is O, "Office" which allows residential land uses developed at a range of 7.1 to 20 units per acre in that the site may be developed at 17 dwelling units per acre; and

WHEREAS, the area is within the City of Lodi corporate limits and is surrounded by urban development on all sides; and

WHEREAS, the site has no value as habitat for endangered, rare or threatened species in that the site is adjacent to the Kettleman Lane corridor and is lacking any extraordinary or unusual topographic features; and

WHEREAS, the increased density will not significantly increase traffic or ambient noise levels of the area, nor would the project adversely impact air or water resources of the area; and

WHEREAS, the properties are located at 1441 South Mills Avenue, 2024, 2106, and 2116 West Kettleman Lane, and commonly referred to by Assessor Parcel Numbers 058-160-39, 45, 46 & 90, in Lodi, California.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

1. The project was found to be categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (Infill Development).

2. The Planning Commission finds that approval of the Use Permit will advance sound planning practice in that the project will provide fuller utilization of an infill site in Lodi than what was originally permitted.
3. It is found that the proposed amendment is consistent with all applicable General Plan policies.

**Housing Element:** Goal A - To provide a range of housing types and densities for all economic segments of the community while emphasizing high quality development and homeownership. Policy 1 - The City shall promote the development of a broad mix of housing types.

**Urban Design and Cultural Resources:** Goal F - To preserve existing community character and fabric, and promote the creation of a small town atmosphere in newly developing areas. Policy 1 - The City shall respect existing neighborhood scale and character when infilling and/or upgrading existing residential areas.

4. The Planning Commission hereby approves the requested use permit subject to the following conditions:
  - A) Allowable land uses for the properties referenced above, shall be limited to residences at no greater than 17 dwelling units per acre, specialty retail, and professional offices.
  - B) No residential development or mixed use project shall occur on any one of the four properties referenced above without first establishing a development plan, which shall be reviewed by City Staff and approved by the Planning Commission, and the Site Plan and Architectural Review Committee.
  - C) Specialty retail and professional office development shall remain under the development standards of the City's RCP zoning designation.
  - D) No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: May 28, 2003

I hereby certify that Resolution No. 03-\_\_ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 28, 2003, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

**DRAFT**

**The request of Mitch Scheflo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.82 acres within the Lakeshore Village Planned Development (PD-21).** Associate Planner Meissner presented the item to the Commission. The four vacant parcels are located behind existing office buildings fronting onto Kettleman Lane. The RCP zoning designation was established in 1980 and set the development standard that allows for offices and residences at 10.89 unit per acre. The proposed amendment would allow 48 homes to be built rather than 30 homes under the current designation. The project is consistent with the Housing Element and Circulation Element in the General Plan. Providing homes at a greater density within the City is not only orderly, but also more efficient. Staff felt the proposed density would make the residential development of the properties more feasible and put the properties that have remained vacant for over 20 years to good use.

Chairman Heinitz asked about ingress & egress for the project. Mr. Meissner replied that there would be one access driveway from Mills Avenue and another access driveway from Kettleman Lane.

Mike Hakeem, 3414 Brookside Road, Stockton. Mr. Hakeem was present to represent the applicant. The subject property has remained vacant for 20 years. The RCP zoning allows for residential, commercial, and professional uses. The requested density increase is a use increase and not a type increase. He mentioned that a commercial project would generate more traffic than a residential project.

Commissioner Crabtree asked if the project would be subject to SPARC review. Mr. Meissner replied it would be subject to SPARC review depending on the product. The project probably would be going through a SPARC review.

Rich Wright, 13675 Hartley Lane, Lodi. Mr. Wright and his brother own Wright's Insurance Agency located at 2100 W. Kettleman Lane, which is located directly next to the project. He was in opposition of the project. He felt the development of the property with residences rather than office uses might diminish the value of his property, which he purchased at a premium price 16 years ago. He was concerned about the potential for increased vandalism and trash generated from homes. Access to his building was already difficult, since there is only one entrance from Kettleman Lane and the other from Mills Avenue and when the divider is installed on Kettleman Lane, Mills Avenue will become the primary entrance and exit for west bound traffic. He felt it was imperative to have a buffer zone between offices and residential areas. He further stated that the project should not have any homes built upon it, and if so, then only be allowed to build 30 homes rather than the requested 48 homes. He urged the Planning Commission to deny the request.



Commissioner Mattheis pointed out that the General Plan does allow for housing in the subject area. Mr. Wright replied that when they originally purchased the property they were directly under the impression that the area was office professional. They learned later (in 1995) that was not the case.

Chairman Heinitz asked about a barrier or block wall to separate the commercial and residential uses from one another. Mr. Hightower replied that it would be addressed at the Development Plan stage of the project.

### **Hearing Closed to the Public**

Commissioner Mattheis felt the project was a good mix of buildings and noted the need in Lodi for more multi-family units.

Commissioner Haugan was in favor of the increased density. He felt a barrier wall would solve the problem between the commercial and residential properties.

The Planning Commission on motion of Commissioner Crabtree, Mattheis second, approved the request of Mitch Scheflo and Randy Snider for a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.82 acres within the Lakeshore Village Planned Development (PD-21). by the following vote:

AYES: Commissioners: Aguirre, Crabtree, Haugan, Mattheis, Phillips, White and Chairman Heinitz

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

**RESOLUTION NO. P.C. 03-14**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST OF MITCH SCHEFLO AND RANDY SNIDER FOR A  
USE PERMIT TO ALLOW AN INCREASE IN RESIDENTIAL DENSITY FROM 10.89  
DWELLING UNITS PER ACRE TO 17 DWELLING UNITS PER ACRE ON FOUR  
SEPARATE PARCELS TOTALING APPROXIMATELY 2.83 ACRES WITHIN THE  
LAKESHORE VILLAGE PLANNED DEVELOPMENT PD (21)**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070.

WHEREAS, the project proponents are Mitch Scheflo, 2926 Pacific Avenue, Stockton, CA; and Randy Snider, 301 South Ham Lane, Lodi, CA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the project is within the Lakeshore Village Planned Development and comprises four properties that are zoned PD(21); and

WHEREAS, the properties are designated for the development of homes and professional offices; and

WHEREAS, the applicant is seeking a use permit to amend PD (21) to allow an increase in residential density on the four properties pursuant to Section 17.33.030; and

WHEREAS, the General Plan designation for the site is O, "Office" which allows residential land uses developed at a range of 7.1 to 20 units per acre in that the site may be developed at 17 dwelling units per acre; and

WHEREAS, the area is within the City of Lodi corporate limits and is surrounded by urban development on all sides; and

WHEREAS, the site has no value as habitat for endangered, rare or threatened species in that the site is adjacent to the Kettleman Lane corridor and is lacking any extraordinary or unusual topographic features; and

WHEREAS, the increased density will not significantly increase traffic or ambient noise levels of the area, nor would the project adversely impact air or water resources of the area; and

WHEREAS, the properties are located at 1441 South Mills Avenue, 2024, 2106, and 2116 West Kettleman Lane, and commonly referred to by Assessor Parcel Numbers 058-160-39, 45, 46 & 90, in Lodi, California.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

1. The project was found to be categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (Infill Development).

2. The Planning Commission finds that approval of the Use Permit will advance sound planning practice in that the project will provide fuller utilization of an infill site in Lodi than what was originally permitted.
3. It is found that the proposed amendment is consistent with all applicable General Plan policies.

**Housing Element:** Goal A - To provide a range of housing types and densities for all economic segments of the community while emphasizing high quality development and homeownership. Policy 1 - The City shall promote the development of a broad mix of housing types.

**Urban Design and Cultural Resources:** Goal F - To preserve existing community character and fabric, and promote the creation of a small town atmosphere in newly developing areas. Policy 1 - The City shall respect existing neighborhood scale and character when infilling and/or upgrading existing residential areas.

4. The Planning Commission hereby approves the requested use permit subject to the following conditions:
  - A) Allowable land uses for the properties referenced above, shall be limited to residences at no greater than 17 dwelling units per acre, specialty retail, and professional offices.
  - B) No residential development or mixed use project shall occur on any one of the four properties referenced above without first establishing a development plan, which shall be reviewed by City Staff and approved by the Planning Commission, and the Site Plan and Architectural Review Committee.
  - C) Specialty retail and professional office development shall remain under the development standards of the City's RCP zoning designation.
  - D) No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: May 28, 2003

I hereby certify that Resolution No. 03-14 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 28, 2003, by the following vote:

AYES: Commissioners: Aguirre, Crabtree, Haugan, Mattheis, Phillip, White, and Heinitz

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST:

  
Secretary, Planning Commission

RESOLUTION NO. 2003-152

A RESOLUTION OF THE LODI CITY COUNCIL UPHOLDING THE  
PLANNING COMMISSION'S DECISION APPROVING THE ISSUANCE  
OF USE PERMIT NO. U-03-007 ALLOWING AN INCREASE IN  
RESIDENTIAL DENSITY FROM 10.89 DWELLING UNITS PER ACRE  
TO 17 DWELLING UNITS PER ACRE ON FOUR SEPARATE PARCELS  
TOTALING APPROXIMATELY 2.83 ACRES WITHIN THE LAKESHORE  
VILLAGE PLANNED DEVELOPMENT, PD(21), LOCATED AT 1441  
SOUTH MILLS AVENUE

=====

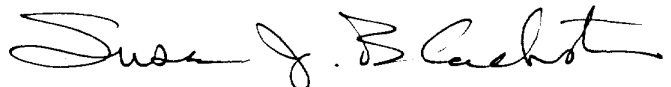
NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby upholds the Planning Commission's approval of the issuance of Use Permit No. U-03-007, requested by Mitch Scheflo and Randy Snider, to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21), located at 1441 South Mills Avenue, Lodi, California.

Dated: August 20, 2003

=====

I hereby certify that Resolution No. 2003-152 was passed and adopted by the Lodi City Council in a regular meeting held August 20, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Hansen and Howard  
NOES: COUNCIL MEMBERS – Mayor Hitchcock  
ABSENT: COUNCIL MEMBERS – Beckman and Land  
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF PUBLIC HEARING

Date: August 20, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, August 20, 2003, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) the appeal of Richard O. Wright of a Planning Commission approval of a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21), located at 1441 South Mills Avenue.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: July 16, 2003

Approved as to form:

Randall A. Hays  
City Attorney



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

## ADVERTISING INSTRUCTIONS

**SUBJECT:** SET PUBLIC HEARING FOR AUGUST 20, 2003, TO CONSIDER THE APPEAL OF RICHARD O. WRIGHT OF A PLANNING COMMISSION APPROVAL OF A USE PERMIT TO ALLOW AN INCREASE IN RESIDENTIAL DENSITY FROM 10.89 DWELLING UNITS PER ACRE TO 17 DWELLING UNITS PER ACRE ON FOUR SEPARATE PARCELS TOTALING APPROXIMATELY 2.83 ACRES WITHIN THE LAKESHORE VILLAGE PLANNED DEVELOPMENT, PD(21), LOCATED AT 1441 SOUTH MILLS AVENUE

## **LEGAL AD**

**PUBLISH DATE:** SATURDAY, JULY 19, 2003


**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:**

SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, JULY 17, 2003

**ORDERED BY:**

  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 2:54 (time) on 7/17/03 (date) 2 (pages)  
Dora Phoned to confirm receipt of all pages at 3:20 (time) Jac PO Tricia Jen (Initials)



## **DECLARATION OF POSTING**

**SET A PUBLIC HEARING FOR AUGUST 20, 2003, REGARDING THE  
APPEAL OF RICHARD O. WRIGHT OF A PLANNING COMMISSION  
APPROVAL OF USE PERMIT TO ALLOW AN INCREASE IN RESIDENTIAL  
DENSITY FROM 10.89 DWELLING UNITS PER ACRE TO 17 DWELLING  
UNITS PER ACRE ON FOUR SEPARATE PARCELS TOTALING  
APPROXIMATELY 2.83 ACRES WITHIN THE LAKESHORE VILLAGE  
PLANNED DEVELOPMENT, PD(21), LOCATED AT 1441 SOUTH MILLS  
AVENUE**

On Thursday, July 17, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set a Public Hearing for August 20, 2003, to consider the appeal of Richard O. Wright of a Planning Commission approval of a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21), located at 1441 South Mills Avenue (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

---

Jacqueline L. Taylor  
Deputy City Clerk

---

Jennifer M. Perrin  
Deputy City Clerk

  
Patricia Ochoa  
Administrative Clerk



## **DECLARATION OF MAILING**

**SET PUBLIC HEARING FOR AUGUST 20, 2003, TO CONSIDER  
THE APPEAL OF RICHARD O. WRIGHT OF A PLANNING COMMISSION APPROVAL  
OF A USE PERMIT TO ALLOW AN INCREASE IN RESIDENTIAL DENSITY FROM 10.89  
DWELLING UNITS PER ACRE TO 17 DWELLING UNITS PER ACRE ON FOUR  
SEPARATE PARCELS TOTALING APPROXIMATELY 2.83 ACRES WITHIN THE  
LAKESHORE VILLAGE PLANNED DEVELOPMENT, PD(21), LOCATED AT 1441 SOUTH  
MILLS AVENUE**

On July 17, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing notice to set a Public Hearing for August 20, 2003, to consider the appeal of Richard O. Wright of a Planning Commission approval of a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development, PD(21), located at 1441 South Mills Avenue, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

**JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK**

**JENNIFER M. PERRIN  
DEPUTY CITY CLERK**

  
**PATRICIA OCHOA  
ADMINISTRATIVE CLERK**



**MAILING LIST****Wright Insurance Agency Appeal**

Richard O. Wright  
Wright Insurance Agency  
2100 W. Kettleman Lane  
Lodi, CA 95242

Lodi Investment Partnership  
P.O. Box 87407  
Chicago, IL 60680

Lakeshore Village Association  
2291 West March Lane  
Stockton CA 95207

Angelo J. O TR Etal Anagnos  
725 Atherton Drive  
Lodi CA 95242

Kettleman II PTP  
301 South Ham Lane, Suite A  
Lodi CA 95242

David J. & Pamela J. TR Michael  
2020 West Kettleman Lane  
Lodi CA 95242

John T. TR Etal Archer  
8717 West 110<sup>th</sup> Street, Suite 300  
Overland Park, KS, 66210

Garland & Ruth Etal Wright  
13675 North Hartley Lane  
Lodi CA 95242

John M. Jr & Kerry TR Etal Giannoni  
2000 West Kettleman Lane, Suite 107  
Lodi CA 95242

D & M Properties PTP  
1420 South Mills, Ste. 1  
Lodi CA 95242

Mike & Lani Kay Maloney  
1420 South Mills Avenue, Suite J  
Lodi CA 95242

Larry & G. Etal Anderson  
420 West Pine Street  
Lodi CA 95240

Lodi Care Group LLC  
P.O. Box 820528  
Vancouver WA 98682

Mitch Scheflo  
1711 Windjammer Court  
Lodi CA 95242

CITY COUNCIL

SUSAN HITCHCOCK, Mayor  
EMILY HOWARD  
Mayor Pro Tempore  
JOHN BECKMAN  
LARRY D. HANSEN  
KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807  
cityclrk@lodi.gov

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

July 17, 2003

MAILED CERTIFIED MAIL  
AND REGULAR U.S. POSTAL DELIVERY

Richard O. Wright  
Wright Insurance Agency  
2100 W. Kettleman Lane  
Lodi, CA 95242

## **NOTICE OF CITY COUNCIL PUBLIC HEARING – August 20, 2003**

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, August 20, 2003, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal of the Planning Commission decision on May 28, 2003 to approve a Use Permit to allow an increase in residential density from 10.89 dwelling units per acre to 17 dwelling units per acre on four separate parcels totaling approximately 2.83 acres within the Lakeshore Village Planned Development (PD-21) located at 1441 S. Mills Avenue.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or Community Development Director Konradt Bartlam at (209) 333-6711.

Sincerely,



Susan J. Blackston  
City Clerk

cc: Community Development Director